



18

I commenced Survey of Section

Town North,

Range West.

County Surveyor.

COURSE.

DISTANCE.

REMARKS:

tree and when envired by the number of annulations corresponding to the age of the survey forms an ultimate and crucial test. Moreover I have never to my recollection seen a witness of the original survey numbered. The numbers were placed on my smooth tree that was convenient and were not noted. I have seen witness trees numbered in other surveys as in Squilbs and others but that inevitable ^{noted} should be there. Dr R. A. J. Bennet testified that the marks were a blaze with a notch in it. This is the usual method adopted by County Surveyors in this County for marking bearing trees but I have rarely found the blaze on bearing or witness trees in the original survey. I think not more than a half dozen in a practice of 42 years especially in Mr. Dennis's work who established this corner. On questioning this witness afterwards about the apparent growth of the tree and the number of annulations he said the tree was so decayed it was difficult to determine

Corners Established.

Monument.

Bearing Trees.

Diameter in Inches.

Course.

Links Distant.

anything about it. This was the evidence on this corner and to me was not very convincing. To ignore an authentic survey and establish a disputed corner something rather insincere should be produced.

But assuming this evidence satisfactory and the corner established by it. It is a closing corner and only useful in establishing the line between said sections 7 and 18 lying south of it.

The range and town lines were our first and established and surveyors in establishing closing corners on them ~~could~~ not change the position of the range line by so doing. Therefore it is a principle adopted by surveyors so far as I know of its being acted on by them that the evidence or corners on the town or range lines would govern in their location. An importance of this principle is an old line run for a state boundary in Ohio called the Tultou line Michigan has adopted this principle also. The importance of the above principle results from the inaccuracy of the location of closing corners in sectionizing the congressional townships which sometimes amounts to considerable. And in the case under consideration there is a chance for error since the corner of reference (Cor. sec. 12 & 13-67) was in marsh creek and according to the records no stake was set or anything to mark its position and how Harris found the position for his corner (S. Wood) is a matter of conjecture and might have been on the range line or not. One proof of the uncertainty here is the lap which is 25.60 chains which would move the corner of sec. 7 about 7 rods further south than when it is supposed to be. The plaintiffs want the lap at the North West corner to govern but it don't suit so well at the South West corner.